

Brent O. Hatch (5715)
Mark F. James (5295)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Robert Silver (admitted pro hac vice)
Edward Normand (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

Stuart H. Singer (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Boulevard – Suite 1200
Ft. Lauderdale, Florida 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022

Stephen N. Zack (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
Bank of America Tower – Suite 2800
100 Southeast Second Street
Miami, Florida 33131
Telephone: (305) 539-8400
Facsimile: (305) 539-1307

Attorneys for The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>THE SCO GROUP, Plaintiff/Counterclaim-Defendant v. INTERNATIONAL BUSINESS MACHINES CORPORATION, Defendant/Counterclaim-Plaintiff</p>	<p>DECLARATION OF BRENT O. HATCH REGARDING THE EXHIBITS TO SCO'S MEMORANDUM FOR RELIEF FOR IBM'S SPOILATION OF EVIDENCE Case No. 2:03CV0294DAK Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells</p>
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I, Brent O. Hatch, declare:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.
2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm of HATCH, JAMES & DODGE PC, counsel for Plaintiff, The SCO Group, Inc., in the pending action.
3. Attached to SCO's Memorandum for Relief for IBM's Spoliation of Evidence ("SCO's Memo for Relief-SPOLIATION") and filed therewith as Exhibit A is a true and correct copy of SCO's Complaint, dated March 6, 2003.
4. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit B is a true and correct copy of the Deposition of Daniel Frye, dated November 18, 2005.
5. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit C is a true and correct copy of the Deposition of Daniel Frye, dated January 12, 2005.
6. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit D is a true and correct copy of the Deposition of Daniel Frye, dated January 20, 2006.
7. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit E is a true and correct copy of the Declaration of Kaena Freitas, dated December 14, 2005.
8. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit F is a true and correct copy of the Deposition of Jay Vosburgh, dated November 17 2005.
9. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit G is a true and correct copy Email from R. Swanberg to A. Simon, et al., dated April 8, 2003.

10. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit H is a true and correct copy of the Deposition of Paul McKenney, dated December 2, 2005.

11. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit I is a true and correct copy of Exhibit 435 to the Daniel Frye Deposition, dated January 12, 2005.

12. Attached to SCO's Memo for Relief-SPOLIATION and filed therewith as Exhibit J is a true and correct copy of Consulting Times, Inside IBM-Dan Frye and the Linux Technology Center.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 25th day of September, 2006.

HATCH, JAMES & DODGE, P.C.
Brent O. Hatch
Mark F. James

BOIES, SCHILLER & FLEXNER LLP
Robert Silver
Stuart H. Singer
Stephen N. Zack
Edward Normand

By:



Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2006, I caused to be served a true and correct copy of the foregoing by CM/ECF or by U.S. Mail, postage prepaid, to the following:

David Marriott, Esq.
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019

Donald J. Rosenberg, Esq.
1133 Westchester Avenue
White Plains, New York 10604

Todd Shaughnessy, Esq.
Snell & Wilmer LLP
1200 Gateway Tower West
15 West South Temple
Salt Lake City, Utah 84101

